

IC 8-6-7.6

Chapter 7.6. Unobstructed View at Crossings

IC 8-6-7.6-1

Distance of unobstructed view; exemptions

Sec. 1. (a) Except as provided in subsection (b) or in a rule adopted by the Indiana department of transportation, each railroad in the State of Indiana shall maintain each public crossing under its control in such a manner that the operator of any licensed motor vehicle has an unobstructed view for fifteen hundred (1500) feet in both directions along the railroad right-of-way subject only to terrain elevations or depressions, track curvature, or permanent improvements. However, the Indiana department of transportation may adopt rules under IC 4-22-2 to adjust the distance of the unobstructed view requirement under this subsection based on variances in train speeds, number of tracks, angles of highway and rail crossing intersections, elevations, and other factors consistent with accepted engineering practices.

(b) A public crossing equipped with a train activated crossing gate is exempt from the requirements of subsection (a), if the railroad maintains an unobstructed view for at least two hundred fifty (250) feet in both directions along the railroad right-of-way.

(Formerly: Acts 1972, P.L. 64, SEC.1.) As amended by P.L. 103-2001, SEC.1.

IC 8-6-7.6-2

Violations; penalty; action to recover; venue

Sec. 2. A railroad that violates the provisions of this chapter shall be held liable therefor to the State of Indiana in a penalty of one hundred dollars (\$100) a day for each day the violation continues subject to a maximum fine of five thousand dollars (\$5,000), to be recovered in a civil action at the suit of said state, in the circuit or superior court of any county wherein such crossing may be located.

(Formerly: Acts 1972, P.L. 64, SEC.1.) As amended by P.L. 103-2001, SEC.2.